

REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the foregoing amendments and the following remarks.

In the July 14, 2003 Office Action, the Examiner noted that claims 1-4 were pending in the application and that claims 1-4 were rejected. By this Amendment, claims 1-3 are amended. No new matter has been added by this amendment. Support for the amendatory material of claims 1-3 can be found at page 6, lines 11-35 of Applicants' specification. Applicants believe that claims 1-4 are in condition for allowance. The Examiner's rejections are respectfully traversed below.

Rejection Under 35 U.S.C. §102(b) – U.S. 5,974,946 (Kanou et al.)

In the Office Action, the Examiner rejected claims 1 and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,974,946 (Kanou et al.). Kanou et al. discloses a swash plate type compressor using a swash plate made of highly wear resistant material wherein the highly wear resistant material can comprise a bronze alloy, a lead-bronze alloy, or a high strength brass alloy. *Col. 4, Ins. 56-67.*

In the present application, the claims recite a compressor component, such as a swash plate, including a lubricating surface portion in a slide contact area, the lubricating surface portion being formed of a copper based or aluminum based metal which does not contain lead but contains solid lubricant other than lead. [The requirement of a solid lubricant is not taught by Kanou et al.]

Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

Rejection Under 35 U.S.C. §102(e) – U.S. 6,457,399 (Jingu)

In the Office Action, the Examiner rejected claims 1 and 4 under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,457,399 (Jingu). Jingu discloses a swash plate type compressor having swash plate formed by a cladding material comprising a base plate of iron and first and second attached plates made of a bronze-based metal and having a lubricant layer formed on the surface of the swash plate. *Col. 3, Ins. 5-29.*

In the present application, the claims recite a compressor component, such as a swash plate, including a lubricating surface portion in a slide contact area, the lubricating surface portion being formed of a copper based or aluminum based metal which does not contain lead but contains solid lubricant other than lead.

Jingu does not disclose a copper based or aluminum based material containing a solid lubricant. The lubricant of Jingu is a separate layer located on the surface of the swash plate.

Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

Rejection Under 35 U.S.C. §102(e) – U.S. 6,378,415 (Sugiura et al.)

In the Office Action, the Examiner rejected claims 1, 2 and 4 under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,378,415 (Sugiura et al.). Sugiura et al. discloses a compressor with a first and a second member which are relatively slidably contacted with each other and a coating layer which comprises a resin containing metallic particles being formed on at least one of the sliding surface of the first member and that of the second member. *Col. 2, Ins. 31-36.*

In the present application, the claims recite a compressor component, such as a swash plate, including a lubricating surface portion in a slide contact area, the lubricating surface portion being formed of a copper based or aluminum based metal which does not contain lead but contains solid lubricant other than lead.

Sugiura et al. discloses a swash plate having a separate coating layer which provides lubricity, not a compressor component having a lubricating surface as required by Applicants' claims. } Further { the lubricating surface of Sugiura et al. is made from a resin impregnated with metallic particles, not a metal containing a solid lubricant } as required by Applicants' invention.

Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

Rejection Under 35 U.S.C. §103(a) – U.S. 6,378,415 (Sugiura et al.) in view of U.S. 5,974,946 (Kanou et al.)

In the Office Action, the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being obvious over Sugiura et al. in view of Kanou et al. According to the Examiner, Sugiura et al. meets all the limitations of claim 3 (*i.e.*, those of claims 1 and 2), except the limitation of sintering, which the Examiner states is taught by Kanou et al.

However, Sugiura et al. does not meet all the limitations of claims 1 and 2, from which claim 3 depends, either directly or indirectly. As discussed above, Sugiura et al. discloses a compressor with a first and a second member which are relatively slidably contacted with each other and a coating layer which comprises a resin containing metallic particles being formed on at least one of the sliding surface of the first member and that of the second member. *Col. 2, Ins. 31-36.*

In the present application, the claims recite a compressor component including a lubricating surface portion in a slide contact area, the lubricating surface portion being formed of a copper based or aluminum based metal which does not contain lead but contains solid lubricant other than lead.

Sugiura et al. discloses a swash plate having a separate coating layer which provides lubricity, not a swash plate having a lubricating surface as required by Applicants' claims. Further, the lubricating surface of Sugiura et al. is made from a resin impregnated with metallic particles, not a metal containing a solid lubricant as required by Applicants' invention. Kanou et al., which discloses a swash plate type compressor using a swash plate made of highly wear resistant material wherein the highly wear resistant material can comprise a bronze alloy, a lead-bronze alloy, or a high strength brass alloy (*col. 4, lns. 56-67*), does not make up for the deficiencies of Sugiura et al.

Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

CONCLUSION

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance and that action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 5000-4996.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby

authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 5000-4996.

Respectfully submitted,
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